Calendar No. 244

100TH CONGRESS *1st Session*	SENATE	REPORT 100-116

AUTHORIZATION OF APPROPRIATIONS FOR THE UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

OF THE

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ON

S. 1267

JULY 17 (legislative day, JUNE 23), 1987.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

91-010 WASHINGTON : 1987

S263-15

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ERNEST F. HOLLINGS, South Carolina, *Chairman*

DANIEL K. INOUYE, Hawaii
WENDELL H. FORD, Kentucky
DONALD W. RIEGLE, JR., Michigan
J. JAMES EXON, Nebraska
ALBERT GORE, JR., Tennessee
JOHN D. ROCKEFELLER, IV, West Virginia
LLOYD BENTSEN, Texas
JOHN F. KERRY, Massachusetts
JOHN B. BREAUX, Louisiana
BROCK ADAMS, Washington

JOHN C. DANFORTH, Missouri
BOB PACKWOOD, Oregon
NANCY LANDON KASSEBAUM, Kansas
LARRY PRESSLER, South Dakota
TED STEVENS, Alaska
ROBERT W. KASTEN, JR., Wisconsin
PAUL S. TRIBLE, JR., Virginia
PETE WILSON, California
JOHN McCAIN, Arizona

RALPH B. EVERETT, *Chief Counsel and Staff Director*
W. ALLEN MOORE, *Minority Chief of Staff*

Calendar No. 244

100TH CONGRESS
1st Session

SENATE

REPORT
100-116

AUTHORIZATION OF APPROPRIATIONS FOR THE UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

JULY 17, (legislative day, JUNE 23), 1987.—Ordered to be printed

Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany S. 1267]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1267) to provide authorization of appropriations for the United States Travel and Tourism Administration, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The bill, as reported, amends section 304 of the International Travel Act of 1961 (22 U.S.C. 2126) to authorize funding for three fiscal years for the U.S. Travel and Tourism Administration (USTTA). The bill authorizes funding for USTTA at $14 million for fiscal year 1988, $15 million for fiscal year 1989, and $16 million for fiscal year 1990.

BACKGROUND AND NEEDS

The National Tourism Policy Act of 1981 (Public Law 97-63) redefined the national interest in tourism and created USTTA within the Department of Commerce, as well as the position of Under Secretary of Commerce for Travel and Tourism. According to its stated findings, the law, which amended the International Travel Act of 1961, was enacted in part, to "* * * optimize the contribution of the tourism and recreation industries to economic prosperity, full employment, and the international balance of payments of the

United States * * *" and to "* * * encourage the free and welcome entry of individuals traveling to the United States * * *."

In order to implement the National Tourism Policy Act, USTTA was created and empowered to carry out the following activities:

(1) To establish services to assist foreign visitors arriving at major U.S. ports-of-entry;

(2) To consult with foreign governments on travel and tourism matters, and to represent U.S. travel and tourism interests before international and intergovernmental meetings;

(3) To develop and administer a comprehensive program relating to travel industry information, data service, training and education, and technical assistance;

(4) To develop a program to seek and receive information on a continuing basis from the tourism industry regarding needs and interests which should be met by a Federal agency and to direct that information accordingly;

(5) To encourage to the maximum extent feasible travel to and from the United States on U.S. carriers; and

(6) To ensure that the resources of the Department of Commerce are used effectively and efficiently to carry out the national tourism policy.

The Act authorized funding for USTTA to carry out these activities for one year.

The Committee recognizes the continued growth of the U.S. travel and tourism industry, which has become the Nation's second largest employer (5.2 million jobs) and its third largest retail industry ($269 billion annually). Foreign travel to the United States represents a significant part of this growth trend. In 1986, some 22 million foreign visitors spent $12.7 billion in the United States, an increase of 5 percent over the previous year. As dozens of other nations commit vast sums of public funds toward capturing their share of the expanding world travel market, USTTA represents our government's response to this competitive challenge.

USTTA performs a number of vital services that private and public interests would be unable to replicate in its absence. Chief among these are the cooperative marketing campaigns delivered by USTTA and its nine overseas offices. These "joint ventures" in overseas print and television advertising afford small and medium-sized businesses, as well as State and regional tourism promotion offices, the ability to combine their resources to reach foreign markets. As witnesses who testified in favor of S. 1267 noted, these programs are an effective and cost-efficient use of Federal funds which pay for themselves many times over in increased foreign travel to the United States.

Consequently, the Committee has ignored in recent years repeated attempts by the administration to terminate funding for USTTA and has chosen instead to report authorization legislation for USTTA. Although reauthorization legislation has not been acted upon, the Congress has continued to appropriate funding for USTTA operations. For fiscal year 1987, USTTA was appropriated $11.5 million.

In addition to the development of overseas markets, USTTA serves an important function as international representative for U.S. travel and tourism interests, as well as liaison between travel and tourism interests and relevant Federal agencies. Because international cooperative marketing plans developed through USTTA must necessarily span two to three years, the Committee seeks to provide a multi-year USTTA authorization to demonstrate the intent of Congress to provide adequate funding for the agency on a long-term basis.

For fiscal year 1988, the administration proposed continuation of USTTA with funding by a $1 international ticket writing charge on airline and cruise ship travel to and from the United States because, according to its budget proposal submitted to Congress, "airlines and cruise ship carriers . . . are the primary beneficiaries of USTTA." The proposal called for USTTA to be funded at $12.2 million in fiscal year 1988, with $3 million to be appropriated by Congress and $9.2 million from user fee collections. In subsequent years, USTTA would receive all of its funding from user fee collections, with excess collections reverting to the Treasury.

At a Commerce Committee hearing on USTTA reauthorization, representatives of the travel and tourism industry strongly opposed the administration's user fee proposal. Specifically, they objected to the ever expanding list of existing user fees on international travel (a $5 Customs Service fee, a $5 Immigration and Naturalization Service fee, and a $3 international departure tax). These fees are collected for specific purposes, but often the designated programs do not receive the funds. Representatives of the airline and cruise ship industries also argue that they depend on and benefit from USTTA's services to a lesser degree than do other businesses and State and local communities. In addition, the travel and tourism industry objected to the allocation of as much as $6 million in excess user fee collections to purposes other than travel and tourism development.

The Committee sees validity in these concerns, and thus S. 1267 does not include the administration's user fee proposal.

Legislative History

On May 6, 1987, the Subcommittee on Foreign Commerce and Tourism held a hearing on the authorization of funds for USTTA and, in particular, the user fee proposal. On May 21, Senator Rockefeller introduced S. 1267 along with 11 original cosponsors. The Committee considered S. 1267 at an open executive session on June 12. The Committee by voice vote ordered the bill to be reported favorably, without amendment.

Estimated Costs

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 22, 1987.

Hon. ERNEST F. HOLLINGS,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 1267, a bill to provide authorization of appropriations for the United States Travel and Tourism Administration, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

EDWARD M. GRAMLICH,
Acting Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 1267.

2. Bill title: A bill to provide authorization of appropriations for the United States Travel and Tourism Administration, and for other purposes.

3. Bill status: As ordered reported by the Senate Committee on Commerce, Science, and Transportation, June 16, 1987.

4. Bill purpose: S. 1267 authorizes appropriations for the U.S. Travel and Tourism Administration (USTTA) of amounts not to exceed $14 million in fiscal year 1988, $15 million in fiscal year 1989, and $16 million in fiscal year 1990. The 1988 authorization represents a $2.5 million increase over the 1987 appropriation, and a $1.8 million increase over the CBO baseline level for the agency in 1988.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1988	1989	1990	1991	1992
Authorization level	14.0	15.0	16.0		
Estimated outlays	10.5	13.7	15.7	3.9	1.2

Including outlays from prior years' budget authority, total outlays for the USTTA would be approximately $13 million in fiscal year 1988 and $14.6 million in fiscal year 1989.

The costs of this bill fall within budget function 370.

Basis of estimate: This estimate assumes that this bill is enacted prior to the beginning of fiscal year 1988 and that the full amounts authorized are appropriated. The estimate of outlays is based on historical spending patterns for the USTTA.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Carol Cohen.

10. Estimate approved by: James L. Blum, Assistant Director for Budget Analysis.

Regulatory Impact Statement

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation.

The bill merely reauthorizes funding for existing programs of USTTA for fiscal years 1988, 1989, and 1990. The bill will not change these programs or substantially increase their funding, and will have no significant economic impact or additional impact on the number of businesses or individuals subject to Federal regulation, personal privacy, or Federal paperwork.

Section-by-Section Analysis

SECTION 1

This section establishes the importance of travel and tourism to the national economy, the significance of foreign travel to the United States, and the value of USTTA in maximizing travel as a U.S. export. In addition, this section identifies the purpose of the legislation as the authorization of appropriations for USTTA.

SECTION 2

Section 2 amends the International Travel Act of 1961 to authorize appropriation of funds for USTTA at $14 million in fiscal year 1988, $15 million in fiscal year 1989, and $16 million in fiscal year 1990.

Changes in Existing Law

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

The International Travel Act of 1961

Section 304 of That Act

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this Act there is authorized to be appropriated an amount not to exceed $8,600,000 for the fiscal year ending September 30, 1982, *not to exceed $14,000,000 for the fiscal year ending September 30, 1988, not to exceed $15,000,000 for the fiscal year ending September 30, 1989, and not to exceed $16,000,000 for the fiscal year ending September 30, 1990.* Funds appropriated under this section shall be available without regard to the provisions of section 501 and 3702 of title 44 of the United States Code. Funds appropriated under this section for printing of travel promotion materials are authorized to be made available for two fiscal years.

○

Calendar No. 259

100TH CONGRESS *1st Session*	SENATE	REPORT 100-125

NATIONAL PARK OVERFLIGHTS ACT OF 1987

Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

OF THE

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ON

H.R. 921

JULY 24 (legislative day JUNE 23), 1987.—Ordered to be printed

---

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1987

91-010

S263-16

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ERNEST F. HOLLINGS, South Carolina, *Chairman*

DANIEL K. INOUYE, Hawaii
WENDELL H. FORD, Kentucky
DONALD W. RIEGLE, JR., Michigan
J. JAMES EXON, Nebraska
ALBERT GORE, JR., Tennessee
JOHN D. ROCKEFELLER IV, West Virginia
LLOYD BENTSEN, Texas
JOHN F. KERRY, Massachusetts
JOHN B. BREAUX, Louisiana
BROCK ADAMS, Washington

JOHN C. DANFORTH, Missouri
BOB PACKWOOD, Oregon
NANCY LANDON KASSEBAUM, Kansas
LARRY PRESSLER, South Dakota
TED STEVENS, Alaska
ROBERT W. KASTEN, JR., Wisconsin
PAUL S. TRIBLE, Virginia
PETE WILSON, California
JOHN McCAIN, Arizona

RALPH B. EVERETT, *Chief Counsel and Staff Director*
W. ALLEN MOORE, *Minority Chief of Staff*

Calendar No. 259

100TH CONGRESS
1st Session

SENATE

REPORT
100-125

NATIONAL PARK OVERFLIGHTS ACT OF 1987

JULY 24 (legislative day, JUNE 23), 1987.—Ordered to be printed

Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany H.R. 921]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (H.R. 921) to require the Secretary of the Interior to conduct a study to determine the appropriate minimum altitude for aircraft flying over national park system units, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

H.R. 921, as reported, has three major purposes. First, the bill requires the Secretary of the Interior (Secretary) with the technical assistance of the Administrator of the Federal Aviation Administration (Administrator) to conduct a 3-year study to determine the minimum flying altitude over various units in our National Park System. Secondly, the bill establishes specific limitations on flights over Yosemite and Haleakala (Hawaii) National Parks during the study period. The bill also requires the establishment of an air traffic management plan for the airspace over the Grand Canyon National Park. Lastly, this bill requires the Administrator to conduct a survey of aircraft flights over the Boundary Waters Canoe Area Wilderness and to assist the Chief of the Forest Service in assessing what, if any, adverse impacts are associated with aircraft overflights to the National Forest System wilderness areas.

BACKGROUND AND NEEDS

Efforts aimed at maintaining the natural quiet and environmental quality of the National Park System have been frequently frustrated by the audio and visual disruption caused by low-flying air-

craft. Each year complaints are received from visitors and park users expressing concerns over the intrusion and dangers posed by these aircraft. Although regulations were recently finalized imposing flight restrictions above the Grand Canyon National Park, many have commented that these regulations do not sufficiently address the situation. Furthermore, there has been no systematic study of the National Park System to determine the breadth and severity of the problem. This legislation is designed to address those needs by requiring the Secretary, in conjunction with the Administrator, to conduct a study to determine the environmental impact of aircraft flying over units of the National Park System and to establish criteria and procedures for aircraft flight control over three specific park units: Grand Canyon, Yosemite, and Haleakala.

LEGISLATIVE HISTORY

H.R. 921 passed the House of Representatives on May 4, 1987. A similar bill, S. 451, was introduced by Senators Matsunaga and McCain on February 3, 1987 and was referred to the Committee on Energy and Natural Resources. A hearing on S. 451 was held on May 7, 1987, with the Energy Committee reporting a substitute for H.R. 921 on June 25, 1987.

Because of the Commerce Committee's jurisdiction over the navigation of the civil airspace, the Committee leadership sought and received sequential referral of H.R. 921 for a period not to extend beyond July 24, 1987. On July 14, the Committee met in open session to consider H.R. 921. Although the bill was ordered reported without amendment, several concerns were expressed that the bill subordinated the role of the Federal Aviation Administration (FAA) in managing the Nation's civil airspace to the Department of the Interior. It was agreed that these concerns would be addressed in the Commerce Committee report.

SUMMARY OF MAJOR PROVISIONS

H.R. 921, as reported, has five major provisions:

(1) The Secretary of the Interior, acting through the Director of the National Park Service, and the Administrator are required to conduct jointly a 3-year study of appropriate procedures and criteria for aircraft flying over national parks. The study will concentrate on six specifically listed parks, as well as no less than four additional parks to be named in the future and will weigh the economic, social, and environmental effects of any limitations on such flights.

(2) Interim minimum flight levels over Yosemite and Haleakala National Parks will be established during the 3-year study period and will continue for an additional 2-year Congressional review period. Flights below these levels will be permitted for emergency situations and administrative purposes.

(3) Within 30 days after enactment of this legislation, the Secretary is required to submit to the Administrator recommendations regarding actions necessary to protect the resources in the Grand Canyon from the adverse consequences associated with aircraft overflights. These recommendations will contain an absolute prohi-

bition concerning flights below the rim of the Grand Canyon and contain provisions establishing flight-free zones. Provided these recommendations do not create an adverse effect on aviation safety, they are to be incorporated into an air traffic management plan for the airspace above the Grand Canyon.

(4) The Administrator is required to conduct a study regarding the type of aircraft and the frequency at which such aircraft operate in the airspace over the Boundary Waters Canoe Wilderness area. A report is to be submitted to the Committee on Interior and Insular Affairs and the Committee on Public Works and Transportation of the House and to the Committee on Energy and Natural Resources and the Committee on Commerce, Science, and Transportation of the Senate within 30 days after the completion of the study.

(5) The Chief of the Forest Service, in conjunction with the Administrator, is required to conduct an assessment of aircraft operations over the National Forest System wilderness areas and to determine the adverse impact to these areas associated with such flights. A report containing the results of this study must be submitted to the Congress within 2 years after the enactment of this legislation.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 16, 1987.

Hon. ERNEST F. HOLLINGS,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for H.R. 921, an act to require the Secretary of the Interior to conduct a study to determine the appropriate minimum altitude for aircraft flying over National Park System units.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

EDWARD M. GRAMLICH,
Acting Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, JULY 16, 1987

1. Bill number: H.R. 921.

2. Bill title: An act to require the Secretary of the Interior to conduct a study to determine the appropriate minimum altitude for aircraft flying over National Park System units.

3. Bill status: As ordered reported by the Senate Committee on Commerce, Science, and Transportation on July 14, 1987.

4. Bill purpose: Section 1 of H.R. 921 would require the National Park Service (NPS) to conduct a study of the proper minimum flying altitude for aircraft flying over units of the National Park System and to make recommendations for legislative and regulatory action. The study would include research at a minimum of ten national parks, six of which are specified in the bill. The Federal Aviation Administration (FAA) would be required to provide technical assistance for this study, review its findings and recommendations, and review the adequacy of current rules and regulations pertaining to flights over NPS units where research for the study is to be conducted. Section 2 would specify minimum flying altitudes for aircraft flying over Yosemite and Haleakala national parks and would require the FAA to enforce and publish public notices of these restrictions.

Section 3 of the bill would require the FAA to submit and implement a final management plan for air traffic above Grand Canyon National Park. Section 4 would require NPS surveillance of flights over the Boundary Waters Canoe Area.

Section 5 would require the Forest Service to conduct an assessment of the adverse impacts of overflights in National Forest System wilderness areas excluding those in Alaska. The FAA would provide technical assistance to the Forest Service in carrying out the assessment. Within two years of the bill's enactment, the Forest Service would submit a report of the assessment to Congress.

Section 6 would require the NPS and the Forest Service to consult with federal agencies engaged in analyzing the impacts of aircraft overflights over federally owned land in conducting the study and assessment of Sections 1 and 5. The bill would authorize the appropriation of such sums as are necessary to carry out the NPS overflight study and the Forest Service wilderness area assessment, as specified in Sections 1 and 5, beginning in fiscal year 1988.

5. Estimated cost to the Federal Government: The estimated cost of implementing the provisions of this legislation is shown in the following table:

[By fiscal year, in millions of dollars]

	1988	1989	1990	1991	1992
Estimated authorization level	4.8	——	——	——	——
Estimated outlays	1.8	1.5	1.5	——	——

The costs of this bill fall primarily within budget function 300.

Basis of estimate: For the purpose of this estimate, CBO has assumed that H.R. 921 will be enacted during fiscal year 1987 and that the necessary sums will be appropriated for fiscal year 1988. Authorization levels and outlays have been estimated on the basis of information obtained from the NPS, FAA, and Forest Service.

CBO estimates that the NPS would incur costs of approximately $3 million to conduct and submit to the Congress the study of overflights at 10 park units, as specified in Section 1. (If the study covers more than 10 units, costs would be greater.) We estimate that the Forest Service would incur costs of approximately $1.5

million to carry out its assessment of overflight impacts on wilderness areas, as specified in Section 5.

According to the NPS, a Grand Canyon air traffic management plan, as mandated in Section 3, is being prepared under existing authority, is nearly finished, and would not result in additional costs. However, the FAA has indicated that the NPS plan may be insufficient for its requirements. Consequently, the FAA would probably incur costs of approximately $300,000 to prepare and issue an alternative or revised management plan.

Additionally, the FAA would incur costs of less than $50,000 to provide technical assistance to the NPS and the Forest Service, and to perform other activities required by the bill.

Other provisions of the bill are not expected to result in significant additional costs.

6. Estimated cost to state and local governments: None.

7. Estimated comparison: None.

8. Previous CBO estimates: On April 22, 1987, CBO prepare a cost estimate for H.R. 921, as ordered reported by the House Committee on Interior and Insular Affairs on April 8, 1987. This estimate shows higher costs, because the bill would require the Forest Service to conduct a wilderness overflight assessment and would require the FAA to produce a Grand Canyon air traffic management plan.

On July 16, 1987, CBO prepare a cost estimate for H.R. 921, as reported by the Senate Committee on Energy and Natural Resources on July 1, 1987. This estimate is identical to that previous one.

9. Estimate prepared by David Artadi and Deb Reis.

10. Estimate approved by James L. Blum, Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation:

Number of Persons Covered

This legislation requires that the Department of the Interior in conjunction with the FAA, conduct a study to determine whether the natural quiet and enjoyment of our Nation's national parks is being disrupted by low flying aircraft. This legislation also requires the imposition of altitude limitations in certain areas beginning with the study period and the development of an air traffic plan for the Grand Canyon. Accordingly, private businesses offering flights over the areas covered by these restrictions will be affected.

Economic Impact

Sections 2 and 3 of this legislation require the imposition of restrictions on certain types of flights over units of our National Park System. Furthermore, this legislation requires that an assessment be conducted on specific units of the National Park System to determine whether additional regulation is necessary to protect vistors, as well as the parks, from the adverse effects associated with

low altitude overflights. Accordingly, private businesses offering flights over the areas covered by these restrictions will be affected.

Privacy

None of the provisions of this legislation should affect the personal privacy of individuals involved.

Paperwork

Although this legislation requires a 3-year study of the National Park System as well as several other surveys and assessments, there should be a minimal increase in additional paperwork as a result of enacting H.R. 921.

SECTION-BY-SECTION ANALYSIS

Section 1.—Study of Park Overflights

This section directs the Secretary of the Interior through the Director of the National Park Service, in conjunction with the FAA, to conduct a 3-year study to determine the environmental effects of flights over various parks within the National Park System. An integral element of this broad study is the identification of the various types of aircraft which fly over these parks and the impact caused by these aircraft. Additionally, the study must identify the specific problems caused by overflights and the types of overflights which have an adverse impact on the parks.

The study under this section shall include research at Cumberland Island National Seashore, Yosemite National Park, Hawaii Volcanoes National Park, Haleakala National Park, Glacier National Park, and Mount Rushmore National Memorial and no less than 4 additional units of The National Park Service, excluding parks located in the State of Alaska. The research shall evaluate the following:

(1) the impacts of aircraft noise on the safety of the park system users, including hikers, rock climbers, and boaters;

(2) the impairment of visitor enjoyment associated with flights over such units of the National Park System;

(3) other injurious effects of overflights on the natural, historical, and cultural resources for which such units were established; and

(4) the values associated with aircraft flights over such units of the National Park System in terms of visitor enjoyment, protection of persons or property, and search and rescue operations and firefighting.

The Secretary must submit a report to Congress after the completion of the study containing its results.

This section also requires that, within 6 months after specifying the parks to be studied, the FAA must issue a separate assessment of current rules and regulations over those parks at which research is conducted to determine whether changes are necessary to enhance aircraft safety. The Administrator is requried to submit a report to the Congress containing the results of its assessment along with recommendations for legislative and regulatory change necessary to implement any such changes.

In its study of the designated national parks, the FAA, in consultation with the Department of the Interior, should seek to develop objective criteria concerning altitude levels that are compatible with the use and enjoyment of those parks where audio and visual intrusion is a major factor. This would enable the FAA to assess aviation activities relative to such parks in the future.

The Committee believes that the Administrator's participation in the 3-year study and its responsibility for assessing the effectiveness of current regulations accurately recognizes the FAA's expertise with respect to regulating the Nation's civil airspace. The Committee further believes that because this legislation will result in the increased regulation of the airspace above the National Park System, the FAA must remain the principal agency to regulate the Nation's airspace.

Section 2.—Flights Over Yosemite and Haleakala National Parks

This section establishes interim minimum flight levels over Yosemite and Haleakala National Parks during the 3-year study period. With respect to flights over Yosemite National Park, all aircraft must operate at least 2,000 feet above the ground surface, including 2,000 feet above the elevation of Yosemite Valley's uppermost rim. Flights over Haleakala National Park are to be no less than 9,500 feet above the crater or other named areas of the park. These flight levels will not be applicable for flights related to situations involving public health and safety, protection of property, firefighting, and compliance with air traffic controller instructions, as well as for administrative purposes.

This section places the responsibility of enforcing these restrictions on the FAA pursuant to section 307 of the Federal Aviation Act of 1958 and requires the Administrator to provide public notice of these restrictions.

Section 3.—Grand Canyon National Park

This section requires the Secretary to submit recommendations to the Administrator within 30 days after this bill is enacted concerning ways to restore the natural quiet of the Grand Canyon and to provide for the protection of public health and safety against the adverse effects associated with aircraft overflights. Included in these recommendations is a total prohibition against flights below the rim and the designation of flight free zones, except those required for administration and emergency purposes or to provide transportation services to and from Supai Village and the lands of the Havasupai Indian Tribe. Not later than 90 days after the receipt of such recommendations, and after notice and opportunity for hearing, the Administrator is required to prepare and issue a final plan for the management of the airspace above the Grand Canyon. The plan shall implement the regulations of the Secretary without change unless the Administrator determines that implementing the recommendations would adversely affect aviation safety. Within 60 days after making such determination, the Administrator, in consultation with the Secretary and after notice and opportunity for hearing, is required to review such recommendations and eliminate the adverse effects.

On June 15, 1987, the FAA issued final rules regarding the operation of all aircraft in the airspace above the Grand Canyon up to an altitude of 9,000 feet above mean sea level. The Committee believes that, due to the particular nature of the airspace above the Grand Canyon, these regulations do not adequately address the adverse effects caused by low flying aircraft in this airspace. The Committee believes that section 3 of this bill rectifies this inadequacy. However, the Committee is particularly concerned that this section of the bill may be interpreted as unduly establishing authority in the Secretary of the Interior to regulate the airspace above the Grand Canyon. In response to this concern, it is the Committee's intent that the FAA's authority should be neither diminished nor diffused. The Secretary's recommendations, which will become an integral part of the air traffic management plan for the Grand Canyon, will result from an equal partnership between the Department of the Interior and the FAA. This joint FAA-Department of the Interior effort will properly reflect the technical expertise of the FAA concerning aviation matters, and will ensure the maintenance of the FAA's jurisdiction over the Nation's civil airspace. The Committee further believes that this working relationship will enable the FAA to adopt these recommendations in a timely manner and satisfy the FAA's mandate of enhancing aviation safety.

Section 4.—Boundary Waters Canoe Area Wilderness

This section requires the FAA to monitor flights for a period of not less than 180 days, and to report the results of the surveillance to the Committee on Interior and Insular Affairs and the Committee on Public Works and Transportation of the House and to the Committee on Energy and Natural Resources and the Committee on Commerce, Science, and Transportation of the Senate.

Section 5.—Assessment of National Forest System Wilderness Overflights

This section provides for a 2-year study by the Chief of the Forest Service to determine the impact of aircraft overflights upon areas of the National Forest System wilderness areas. The Administrator is required to provide technical assistance to the Chief. At the conclusion of this study period, the Chief is required to submit the result of this study to the Congress.

Section 6.—Consultation With Federal Agencies

This section ensures that the Secretaries of the Interior and Agriculture will consult with other Federal agencies, including the Department of Defense, that may be conducting similar studies on the impact of aircraft overflights over Federal lands used for recreation, wildlife enhancement, or other similar purposes.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill as reported would make no change to existing law.

○